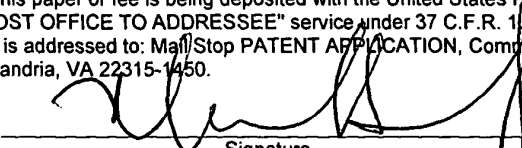


15992 U.S. PTO
07/28/03

| CERTIFICATE OF EXPRESS MAIL | |
|---|-----------------|
| NUMBER | EV 318622091 US |
| DATE OF DEPOSIT | July 28, 2003 |
| I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.110 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22315-1450. | |
|  Signature | |

22212 U.S. PTO
10/628147
07/28/03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: 02738.0006.CNUS02

Prior Application:

Examiner: T. Criares

Group Art Unit: 1619

Serial No.: 09/939,898

Filing Date: August 27, 2001

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22315-1450

**REQUEST FOR FILING CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a continuation application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/939,898, filed August 27, 2001, entitled "Reverse Phase Connective Tissue Repair Composition."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/939,898 as originally filed, including specification, claims, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful

false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/939,898.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number , filed in is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No.

☒ 2. The Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53.

☐ 3. Enclosed is a check in the amount of to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

**CALCULATION OF FEES FOR FILING CONTINUATION APPLICATION
WITH CLAIMS AS PRESENTED IN PRELIMINARY AMENDMENT**

| FOR | NUMBER FILED | NUMBER EXTRA | RATE | FEE |
|-----------------------------------|-------------------------|-------------------------|-------------|-----------------|
| Basic Fee ----- | | | | \$375.00 |
| (Small Entity) | | | | |
| Total Claims | 33- 20 = | 13 X | \$9.00 = | \$117.00 |
| Independent Claims | 4- 3 = | 1 X | \$42.00 = | \$42.00 |
| Multiple Dependent Claim(s) ----- | | | | \$-0- |
| TOTAL FILING FEES: | | | | \$534.00 |

- ☒ 4. Assignee GenSci OrthoBiologics, Inc. claims small entity status for this application.
- ☒ 5. The Commissioner is authorized to charge the fee of \$534.00 to Deposit Account No. 01-2508/02738.0006.CNUS02. Should any additional fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/02738.0006.CNUS02.
- ☒ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:
- Janelle D. Waack
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057
(713) 787-1400
- ☒ 8. The prior application is presently assigned to GenSci OrthoBiologics, Inc.
- ☒ 9. Enclosed is a Preliminary Amendment. Any additional fees incurred by this amendment are included in the fee calculation at paragraph no. 3.

- ☒ 10. Cancel in this application claims 1-28 of the prior application before calculating the filing fee.
- ☒ 11. Applicant claims the benefit under 35 U.S.C. § 120 of parent U.S. Patent Application Serial Nos. 09/939,898 and 08/922,068. Please amend the specification by inserting before the first line the sentence: --This application is a continuation of co-pending U.S. application Serial No. 09/939,898, filed August 27, 2001, which is a continuation of U.S. application Serial No. 08/922,068, filed September 2, 1997, now U.S. Patent No. 6,309,659.--
- ☐ 12. Enclosed are formal drawings.
- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☐ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. _____ filed _____, for use in this application.
- ☒ 15. Other: Granted Petition to Make Special as Small Entity Biotech Application.
- ☒ 16. Return Receipt Postcard.

Respectfully submitted,



Janelle D. Waack
Reg. No. 36,300

Attorney for Assignee
GenSci OrthoBiologics, Inc.

HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057

Date: July 28, 2003